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(610) 670-2552

Attorneys for Plaintiff

JUSTIN M. BRAUN,	:	IN THE UNITED STATES DISTRICT
	:	COURT FOR THE EASTERN DISTRICT OF
Plaintiff	:	PENNSYLVANIA
	:	
v.	:	Docket No. 02-CV-4001
	:	
SQUARE D COMPANY and	:	JURY TRIAL DEMANDED
ENGEL INDUSTRIES, INC.,	:	
Defendants	:	

PLAINTIFF'S TRIAL MEMORANDUM

I. LIST OF EXHIBITS

Plaintiff, Justin Braun, may introduce some or all of the following into evidence:

- A. Photographs of Engel Bendall Press Brake
- B. Photographs of Square D Foot Switch
- C. Photographs of Linemaster Foot Switch
- D. Photographs of Plaintiff
- E. Plaintiff's medical records
- F. Union Local 19 wage and benefit schedule
- G. Plaintiff's tax returns
- H. Plaintiff reserves the right to introduce some or all of the exhibits listed in the Memoranda of Defendants.

I. Possible additional exhibits.

II. LIST OF EXPERT WITNESSES

- A. Stephanie Sweet, M.D. (via videotape) (Medical Expert)
- B. Kevin D. Towers, C.P.O. (Prosthetic Expert)
- C. Ronald D. Schaible, P.E. (Occupational Safety & Health Expert/Human Factors Expert)
- D. Norman W. Johanson (Mechanical/Industrial Engineering Expert)
- E. John S. Risser, M.A., ABVE, CRC (Vocational Expert/Rehabilitation Economic Expert)
- F. James T. Moyer, Ph.D. (Economic Expert)

Curricula Vitae for the foregoing are collectively attached hereto at Exhibit 2.

III. LIST OF FACT WITNESSES WITH SUMMARY OF EXPECTED TESTIMONY

Plaintiff, Justin Braun, may call some or all of the following persons to testify:

- A. Justin M. Braun - liability and damages
- B. Jim Sterner - liability and damages
- C. Crystal Braun Rittle - damages
- D. Keith Rittle - damages
- E. Dorothy and Jack Braun - damages
- F. Cindy & Zane Reed - damages
- G. Michael Reagan - liability and damages
- H. Robert Ashman - liability and damages
- I. Sheet Metal Worker's Union Local No. 19, Business Agent, Pat Doyle -

damages

- J. Mary and Keith Heltzinger - damages
- K. Kelly Heltzinger - damages
- L. Robert Bova - liability and damages
- M. Plaintiff reserves the right to call some of all of the witnesses listed in the Memoranda of Defendants
- N. Possible additional witnesses

IV. ITEMIZED LIST OF DAMAGES.

Special Damages:

A.	Past Medical Expenses	\$ 52,077
B.	Past lost wages	\$ 38,547
C.	Future Lost earning capacity	\$1,211,168
D.	Future Prosthetics	\$ 362,100
E.	Future Pensions/ Annuity contributions	\$ 138,410

<u>Total</u>	<u>\$1,802,302</u>
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Justin Braun also seeks general unliquidated damages for, inter alia, physical pain, disfigurement, humiliation, and loss of life's pleasures.

V. STATEMENT OF SIGNIFICANT LEGAL ISSUES.

Justin Braun incorporates by reference herein Plaintiff's Motion in Limine (No. 1) previously filed with the Court.

VI. NAMES AND ADDRESSES OF PARTIES.

Justin M. Braun - Plaintiff
1346C West Wyomissing Boulevard
West Lawn, Berks County, PA 19609 (current address)

308 Carriage Drive

Wernersville, Berks County, PA 19565 (as of April 4, 2001)

Engel Industries, Inc.
8122 Reilly Ave
St. Louis, MO 63111

Square D Company
1415 South Roselle Road
Palatine, IL 60067

VII. NAMES, ADDRESSES AND TELEPHONE NUMBERS OF TRIAL COUNSEL.

Peter F. Schuchman, Jr.
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Attorneys for Plaintiff

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1500 Market Street
Philadelphia, PA 19102
(215) 854-0658
Attorneys for Defendant, Square D Company

Michael P. Zipfel, Esquire
Thomas P. Wagner, Esquire
RAWLE & HENDERSON LLP
The Widener Building, 16th Floor
One South Penn Square
Philadelphia, PA 19102
(215) 575-4399
Attorneys for Defendant, Engel Industries, Inc.

VIII. PROPOSED VOIR DIRE QUESTIONS.

Please see Exhibit 8 attached hereto.

IX. PROPOSED VERDICT SLIP.

Please see Exhibit 9 attached hereto.

X. OTHER MATTERS OF IMPORTANCE.

None anticipated at this time.

Respectfully submitted,

KOZLOFF STOUDT

_____/s/_____
Peter F. Schuchman, Jr.
Attorneys for Plaintiff, Justin Braun

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	:	FOR THE EASTERN DISTRICT OF
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	:	
vs.	:	Docket No. 02-CV-4001
	:	
SQUARE D COMPANY and	:	JURY TRIAL DEMANDED
ENGEL INDUSTRIES, INC.,	:	
Defendants	:	

Certificate of Service

I, Peter F. Schuchman, Jr., Esquire, attorney for Plaintiff, certify that on August 15, 2003, that I electronically filed the foregoing *Plaintiff's Trial Memorandum* via the ECF system and it is available for viewing and downloading from the ECF system. I further certify that the foregoing *Plaintiff's Trial Memorandum* was served upon the following party by first class mail:

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KOZLOFF STOUDT

_____/s/_____
Peter F. Schuchman, Jr., Esquire
Attorney for Plaintiff